

RECEIVED
CENTRAL FAX CENTER

2:56:16 p.m.

10-09-2008

5 /15

OCT 09 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Examiner: E. CHAO
A. QUAID et al.)	
)	Art Unit: 3737
Serial No.: 10/621,119)	
)	Confirmation: 9089
Filed: July 16, 2003)	
)	
For: GUIDANCE SYSTEM AND)	
METHOD FOR SURGICAL)	
PROCEDURES WITH)	
IMPROVED FEEDBACK)	
)	
Date of Last Office Action:)	
June 9, 2008)	
)	
Attorney Docket No.:)	Cleveland, OH 44114
MAKO 2 00027-3 / Z017)	October 9, 2008

REQUEST FOR A NO-FEE ONE-MONTH EXTENSION OF TIME

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The initial period for filing a response to the outstanding Office Action, issued June 9, 2008, expired on September 9, 2008.

Pursuant to 37 C.F.R. §1.17, petition is hereby made for a one-month extension of time up to and including October 9, 2008 in which to file a response.

The Final Rejection was mailed June 9, 2008. The Amendment After Final was filed via facsimile on August 8, 2008. Thus, the Amendment After Final was filed within two months of the date of the Final Rejection.

Certificate of Faxing

I certify that this **REQUEST FOR A NO FEE ONE-MONTH EXTENSION OF TIME** in connection with Ser. No. 10/621,119 is being
☒ transmitted to facsimile number 571/273-8300 under 37 C.F.R. § 1.8 on the date indicated below.

Date
October 9, 2008

Signature
<i>Hilary M McNulty</i>
Printed Name
Hilary M. McNULTY

OCT 09 2008

-2-

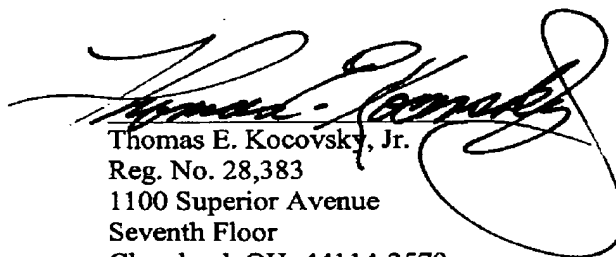
The Advisory Action was not mailed until September 17, 2008, i.e., more than five weeks after the filing of the Amendment After Final and after the end of the three-month period for response set by the Final Rejection.

Because the Amendment After Final was filed within two months of the date of the Final Rejection, but the Advisory Action was not issued until after the three-month period for response, it is submitted that the applicant is entitled to have the first month extension of time fee waived. A waiver of the one-month extension of time fee is requested.

If this No-Fee Request is not granted, payment of the extension fee in the amount of \$ 65.00 (small entity) is authorized to be charged to Deposit Account No. 06-0308.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.
Reg. No. 28,383
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
(216) 861-5582

L:\HMM\DATA\2008\MAKO200027-3.NO-FEE.EXT.DOC